

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

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In re

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Chapter 11

GT Advanced Technologies, Inc., et al.

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Case No. 14-11916-HJB et al.

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Debtors

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Jointly Administered

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OBJECTION TO DEBTORS' EMERGENCY MOTION FOR AN ORDER PURSUANT TO  
11 U.S.C. SECTIONS 105 AND 363 FOR AN ORDER AUTHORIZING DEBTORS TO  
REJECT CERTAIN EXECUTORY CONTRACTS NUNC PRO TUNC TO THE PETITION  
DATE

Now comes Sumitomo (SHI) Cryogenics of America Inc. ("SCAI"), through counsel, and files its objection to the Debtors' Motion for an Order Authorizing the Debtors to Reject Certain Executory Contracts in connection with the wind down of sapphire manufacturing operations ("the Wind Down Rejection Motion" ) In support of this objection, SCAI states as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 157 and 1334. Venue is proper pursuant to 28 U.S.C. Sections 1408 and 1409.

**PARTIES AND BACKGROUND**

2. GT Advanced Technologies Inc. and its affiliates (collectively "GTAT"), with a principal place of business in Merrimack, New Hampshire, design, manufacture and supply certain sapphire production equipment and materials for, inter alia, the consumer electronics market. GTAT also manufactures equipment and provides services to the solar energy industry.

3. Sumitomo (SHI) Cryogenics of America Inc. ("SCAI") is a corporation based in

Allentown, Pennsylvania which manufactures and distributes, among other things, helium compressors for use in sapphire crystallization furnaces.

4. In October 6, 2014 GTAT filed for relief under Chapter 11 of the U.S. Bankruptcy Code. On the Petition Date, Debtors also filed a number of “First Day” motions, including the Reclamation Motion.

5. SCAI holds a claim of approximately \$1.9 million.

6. On information and belief, many of the helium compressors sold by SCAI to GTAT have been installed into sapphire crystallization furnaces and are now located in various factories in the United States; others are in warehouse locations or elsewhere. These helium compressors are integral to the performance of Debtors’ contracts with Apple, which Debtors now seek to reject and to the sapphire manufacturing operations the Debtors now seek to discontinue.

### **OBJECTION**

7. Through the Wind Down Rejection Motion, Debtors Seek to discontinue a substantial portion of their business Operations and to reject substantial business contracts with Apple. Debtors’ Wind Down Rejection Motion was filed just four days into a large, complex Chapter 11 case. Debtors have not yet filed their schedules and statements of financial affairs, no Creditors Committee has yet been appointed, and the financial and other data necessary to a proper evaluation of the Wind Down Rejection Motion has been hidden from creditors through motions to seal. Based on the record to date, it is premature for the debtors to seek to reject such vital business contracts.

8. SCAI respectfully asserts the Court should deny the Wind Down Rejection Motion, or at the very least, continue hearing on such motion until a Creditors’ Committee is in place and has had time to evaluate the substance of the contracts at issue and the relevant financial data

related to those contracts.

Dated: 14 October 2014

Respectfully submitted,

Sumitomo (SHI) Cryogenics of America,  
Inc.

By its attorney:

/s/ Jennifer Rood, Esq.  
Jennifer Rood, BNH#01395  
BERNSTEIN SHUR SAWYER &  
NELSON, P.A.  
PO BOX 1120  
670 North Commercial Street,  
Suite 108  
Manchester, NH 03105  
Phone: (603) 623-8700  
[jrood@bernsteinshur.com](mailto:jrood@bernsteinshur.com)

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2014, I caused the document listed above to be served upon all parties receiving notice through the CM/ECF system and to be served by regular U.S. mail on the parties identified on the attached list of thirty largest unsecured creditors.

/s/ Jennifer Rood  
Jennifer Rood, Esq.

*Via regular mail*

**AEG POWER SUPPLY SYSTEMS GMBH**  
EMIL-SIEPMANN-STR 32  
WARSTEIN-BELECKE, 59581 GERMANY

**AEROTEK INC**  
ATTN TODD M. MOHR, PRESIDENT

7301 PARKWAY DRIVE SOUTH  
HANOVER, MD 21076

**AIRGAS USA, LLC**  
ATTN ANDREW R. CICHOCKI, PRESIDENT  
259 N RADNOR CHESTER RD #100  
RADNOR, PA 19087

**ATLANTA TRUST LTD**  
ATTN CHIEF FINANCIAL OFFICER  
615-623 ROMCES ROAD  
DARTFORD, DA2 6DY UNITED KINGDOM

**BAIKOWSKI INTERNATIONAL CORP.**  
ATTN JUSTIN OTTO, VICE PRESIDENT/GENERAL  
6601 NORTHPARK BLVD., SUITE H  
CHARLOTTE, NC 28216

**BENCHMARK ELECTRONICS DE MEXICO, S. DE R.L. DE C.V**  
ATTN CHIEF FINANCIAL OFFICER  
A, CIRCUITOS DE LA PRODUCTIVIDAD 132  
PARQUE INDUSTRIAL GUADALAJARA  
EL SALTO, JALISCO, 45690 MEXICO

**DIAMOND MATERIALS TECH, INC.**  
ATTN TOM DEVINE, CHIEF EXECUTIVE OFFICER  
3505 N. STONE AVE.  
COLORADO SPRINGS, CO 80907

**ELMET TECHNOLOGIES**  
ATTN ERIC SCHEINERMAN, CHIEF EXECUTIVE O  
1560 LIBSON STREET  
LEWISTON, ME 04240

**GRAFTECH INTERNATIONAL HOLDINGS INC.**  
ATTN ERICK R. ASMUSSEN, CHIEF FINANCIAL  
12900 SNOW ROAD  
PARMA, OH 44130

**H.C STARCK INC.**  
ATTN JOHN NOTEMAN, VICE PRESIDENT OF SAL  
45 INDUSTRIAL PLACE  
NEWTON, MA 02461-1951

**HANGZHOU DAHE THERMO-MAGNETICS CO**  
ATTN KENKAN GA, VICE CHAIRMAN/PRESIDENT  
777 BINKANG ROAD, BINJIANG DISTRICT  
HANGZHOU, ZHEJIANG PROVINCE, 310053 CHI

**HEBEI HENGBO FINE CERAMICS MATERIAL**

ATTN CHIEF FINANCIAL OFFICER  
LUOZHUANG INDUSTRIAL, QUZHOU COUNTY  
HANDAN CITY, 56000 CHINA

**INTEGO GMBH**

ATTN DR. PETER PLANKENSTEINER, MANAGING  
HENRI DUNANT STR. 8  
ERLANGEN, 91058 GERMANY

**MANZ AG**

STEIGAECKERSTRASSE 5  
REUTLINGEN, 72768 GERMANY

**MBT SYSTEMS LTD.**

ATTN PETER PAULI, CHIEF EXECUTIVE OFFICE  
309 ROUTE 94  
COLUMBIA, NJ 07832

**NESCO RESOURCE**

ATTN CHIEF FINANCIAL OFFICER  
4500 S. LAKESHORE DR.  
TEMPE, AZ 85282

**OXFORD INSTRUMENTS AUSTIN INC**

ATTN CHIEF FINANCIAL OFFICER  
1340 AIRPORT COMMERCE DR #175  
AUSTIN, TX 78741

**PLANSEE SE**

ATTN DR. MICHAEL SCHWARZKOPF,  
CHAIRMAN OF THE EXECUTIVE BOARD  
METALLWERK PLANSEE STRASSE 71,  
01234 AUSTRIA

**RANOR, INC.**

C/O MCCAUSLAND, KEEN, BUCKMAN  
ATTN GARTH G. HOYT, ESQUIRE  
RADNOR COURT, SUITE 160  
259 NORTH RADNER-CHESTER RD.  
RADNOR, PA 19087-5257

**SANMINA CORPORATION**

ATTN JURE SOLA, CHAIRMAN AND CHIEF EXECUTIVE OFFICER  
2700 NORTH FIRST STREET  
SAN JOSE, CA 95134

**SAS CO, LTD.**

ATTN CHIEF FINANCIAL OFFICER  
666-153, BONGAM-DONG  
MASAN-SI, KYUNGNAM, KOREA, REPUBLIC OF

**SGL CARBON, LLC**  
ATTN CHIEF FINANCIAL OFFICER  
10130 PERIMETER PARKWAY SUITE 500  
CHARLOTTE, NC 28216

**SUMITOMO (SHI) CRYOGENICS**  
ATTN DAVID DEDMAN, PRESIDENT AND CHIEF E  
OF AMERICA, INC.  
1833 VULTEE STREET,  
ALLENTOWN, PA 18103

**SUMITOMO ELECTRIC USA INC.**  
ATTN CHIEF FINANCIAL OFFICER  
21241 S. WESTERN AVE., SUITE #120  
TORRANCE, CA 90501

**T&D MATERIALS MANUFACTURING LLC**  
ATTN MIN YU, PRESIDENT  
1101 SUSSEX BLVD, SUITE 2  
BROOMALL, PA 19008

**TERA XTAL CORPORATION**  
ATTN CHIEF FINANCIAL OFFICER  
HSINCHU SCIENCE PARK  
NO. 9-1, PARK AVENUE 2  
HSINCHU, 30075 TAIWAN, PROVINCE OF CHIN

**U.S. BANK NATIONAL ASSOCIATION**  
ATTN HAZRAT RAY HANIFF, ASSISTANT VICE P  
AS TRUSTEE  
100 WALL STREET, SUITE 1600  
NEW YORK, NY 10005

**U.S. BANK NATIONAL ASSOCIATION**  
ATTN HAZRAT RAY HANIFF, AS TRUSTEE  
100 WALL STREET, SUITE 1600  
NEW YORK, NY 10005

**ULTRA CLEAN MICRO-ELECTRONICS EQUIP**  
ATTN CHIEF FINANCIAL OFFICER  
SHANGHAI CO., LTD  
BLDG. 56,369 CHUANG YE RD, KANGQIAO  
SHANGHAI, 201315 CHINA

**ULTRA CLEAN TECHNOLOGY**  
ATTN CLARENCE GRANGER, CHAIRMAN & CHIEF  
2642 CORPORATE AVENUE  
HAYWARD, CA 94545